

REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and for the remarks made herein.

Claims 1-9 are pending and stand rejected. Claims 1-9 have been amended.

The drawings are objected to for failing to contain labels showing the particulars of the claimed invention.

Applicant respectfully disagrees with the reason for objecting to the drawings. However, in the interest of advancing the instant application, replacement drawings are submitted in Appendix A, properly annotated as Replacement Sheets, including label, shown in red ink. No new matter has been added.

Having provided replacement drawings, applicant respectfully requests that the objection to the drawings be withdrawn.

The specification is objected to because the term "Fig. 1" is shown at the end of the abstract and that the written description fails to include section headings.

Applicant thanks the examiner for his observation and has removed the objected to term from the abstract.

With regard to the failure to include section headings, applicant respectfully submits that 37 CFR §1.77(b) discloses a *suggested* format for the arrangement of the disclosure. Applicant respectfully submits that the present disclosure follows the suggested format where applicable. With regard to 37 CFR§1.77(c), which was not cited in the Office Action, Applicant respectfully submits that section headings are suggested but not required, as 37 CFR §1.77(c) clearly states the sections defined in paragraphs (b) (1) through (b) (11) "should" be preceded by a section heading. Applicant respectfully elects not to amend the disclosure to include the suggested headings at this time.

Claims 1-9 stand rejected under 35 USC 102(b) as being anticipated by Kishi (EP 0 094 449).

Applicant respectfully disagrees with, and explicitly traverses, the reason for rejecting the claims. However, in the interest of advancing the prosecution of this matter, the independent claims have been amended to more clearly state the invention. More specifically, the claims have been amended to recite that the "audio references of the speech recognition system (3) are selected and/or adapted in dependence on estimated noise component introduced by the operating state and/or operation environment." No new matter has been added.

Support for the amendment may be found on page 2, lines 25-2, which state in part, "[a]n estimation of the noise signal portions may be made so that predefined acoustic references are selected in dependence on the detected operating state and/or operation environment to model speech pauses in which the acoustic signals only have noise signal portions."

Kishi, on the other hand, discloses a system that relates to a speech recognition system for automotive vehicles by which a plurality of predetermined spoken instructions is selectively recognized according to vehicle-traveling conditions. Kishi further discloses, for example, a "vehicle speed detecting means for detecting vehicle speed and outputting signals corresponding thereto, and a speech selecting means responsive to the vehicle speed signals for classifying the detected vehicle speed by signal magnitude and selectively allowing said speech recognizer to output the actuation signal to the respective vehicle actuator dependent on the classified magnitude of the detected vehicle speed." (see col. 2, lines 8-21). Hence, Kishi discloses a system that uses an indication of speed to selectively allow commands to be executed. Kishi fails to describe a system that adapts the audio references based on an "estimated noise component introduced by the operating state," as is described in claim 1.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Kishi cannot be said to anticipate the present invention, because Kishi fails to disclose each and every element recited. As shown, Kishi fails to determine an "estimated noise component introduced by the operating state."

Applicant submits that for at least for this reason the rejection of claim 1 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claim.

With regard to the remaining independent claims, these claims recite subject matter similar to that recited in claim 1 and were rejected for the same reason used in rejecting claim 1. Thus, for the amendments made to these claims, which are similar to the amendments made with regard to claim 1, and for the remarks made in response to the rejection of claim 1, which are also applicable to, and reasserted, as if in full, herein, in response to the rejection of the remaining claims, applicant submits that the reason for rejecting these claims has been overcome and the rejection can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard the remaining claims these claims ultimately depend from the independent claims, which have been shown to contain subject matter not disclosed by, and, hence, allowable over, the reference cited. Accordingly, these claims are also allowable by virtue of their dependency from an allowable base claim.

Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

John Vodopia
Registration No. 36,299


By Steve Cha
Attorney for Applicant
Registration No. 44,069

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Mail all correspondence to:
John Vodopia, Registration No. 36,299
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615

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Steve Cha, Reg. No. 44,069
(Name of Registered Rep.)


(Signature and Date)